

1 KEVIN V. RYAN, CSBN 118321  
United States Attorney  
2 JOANN M. SWANSON, CSBN 88143  
Assistant United States Attorney  
3 Chief, Civil Division  
EDWARD A. OLSEN, CSBN 214150  
4 Assistant United States Attorney  
5 450 Golden Gate Avenue, Box 36055  
San Francisco, California 94102  
6 Telephone: (415) 436-6915  
FAX: (415) 436-6927  
7

8 Attorneys for Defendants

9 UNITED STATES DISTRICT COURT  
10 NORTHERN DISTRICT OF CALIFORNIA  
11 SAN FRANCISCO DIVISION  
12

13 R.E.M. International, a California )  
Partnership, appearing through its )  
14 Managing Partner, Peter V.G. Jefferson, )  
15 Plaintiff, )

16 v. )

17 UNITED STATES DEPARTMENT OF )  
STATE; UNITED STATES )  
18 DEPARTMENT OF HOMELAND )  
SECURITY; UNITED STATES )  
19 CITIZENSHIP AND IMMIGRATION )  
SERVICES, )  
20

21 Defendants. )  
\_\_\_\_\_ )

No. C 05-05081-WHA

**JOINT STATUS REPORT**

Date: December 7, 2006  
Time: 11:00 a.m.

22 The parties to the above-entitled action hereby submit this joint status report.

23 (1) The plaintiff filed this action on December 8, 2005, seeking damages under the Federal  
24 Tort Claims Act (FTCA), alleging the Department of State wrongfully recommended revocation of  
25 a visa petition and that the United States Citizenship and Immigration Services wrongfully  
26 revoked its previously-granted visa petition.

27 (2) At the case management conference held on July 20, 2006, this Court stayed the action in  
28 light of the fact that an appeal of a related case – *R.E.M. Int'l v. Neufeld*, C-04-1245-WHA (N.D.

Cal) (granting the government's motion for summary judgment in plaintiff's action under the APA challenging United States Citizenship and Immigration Services' decision to revoke approval of plaintiff's visa petition) – was pending at the United States Court of Appeals for the Ninth Circuit. See *R.E.M. Int'l v. Neufeld*, 9<sup>th</sup> Cir. Appeal No. 04-17498. The Court scheduled a status conference for December 7, 2006.

(3) The Ninth Circuit heard oral argument in *R.E.M. Int'l v. Neufeld*, 9<sup>th</sup> Cir. Appeal No. 04-17498, on November 14, 2006.

(4) In light of the fact that the Ninth Circuit has not yet issued its opinion in *R.E.M. Int'l v. Neufeld*, 9<sup>th</sup> Cir. Appeal No. 04-17498, the parties respectfully ask this Court to continue the date of the status conference, which is currently scheduled for December 7, 2006.

(5) The parties will promptly advise this Court of the issuance of the Ninth Circuit's opinion in *R.E.M. Int'l v. Neufeld*, 9<sup>th</sup> Cir. Appeal No. 04-17498, and will promptly request a status conference upon the issuance of the Ninth Circuit's opinion, subject to approval of the Court.

6) A further case management conference is set for June 7, 2007 at 11:00 AM. Parties shall file a joint case management statement by May 31, 2007.

Date: December 4, 2006

Respectfully submitted,

KEVIN V. RYAN  
United States Attorney

/s/  
EDWARD A. OLSEN  
Assistant United States Attorney  
Attorneys for Defendants

Date: December 4, 2006

/s/  
CARLETON L. BRIGGS  
Attorney for Plaintiff

Date: December 7, 2006

